

REMARKS

In the Decision on Appeal, the Board of Appeals states that “We agree with the Examiner that evidence presented is not commensurate in scope with the claimed invention and fails to provide a testing of the closest prior art,” and thus considers that the present invention is obvious over EP 1, 072,446 (Uchida) in view of US 3,364,059 (Marzocchi 059) and US 3,620,280 (Marzocchi 280).

Accordingly, attached hereto is a Declaration providing experimental data which is the closest in conditions to the working example described in Uchida.

According to the enclosed Declaration, the braking performance on ice of Experiment 1, which contains glass fiber B which is surface-treated in advance and dispersed in diene rubber so as to be oriented in the tread thickness direction, is 131. On the other hand, braking performance on ice of Experiment 2 which contains glass fiber B and dispersed in conventional extrusion and that of Experiment 3 which contains glass fiber A which is not surface-treated in advance and dispersed in diene rubber so as to be oriented in the tread thickness direction are 109 and 119, respectively.

Therefore, a studless tire having a tread comprising diene rubber and short glass fiber which is surface-treated in advance and dispersed in said diene rubber so as to be oriented in the tread thickness direction exhibits excellence in braking performance on ice.

Furthermore, since Uchida only describes orienting short glass fibers in the tire tread thickness direction, and Marzocchi 059 and Marzocchi 280 only describe “surface treating,” one skilled in the art with the references before him would not find it obvious that an improved braking performance on ice could be achieved by “orienting short glass fibers in the tire tread thickness direction” and “surface treating” the glass fibers.

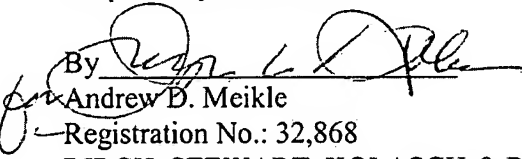
Accordingly, it is believed that the present invention is not obvious over Uchida in view of Marzocchi 059 and Marzocchi 280 and thus reconsideration of the rejection and allowance of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 5, 2008

Respectfully submitted,

By 
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Attachment: Declaration Under 37 CFR 1.132